

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Joseph Weathers,)	C/A No. 2:09-270-JFA-RSC
)	
Plaintiff,)	
)	ORDER
v.)	
)	
Mary Pou of Pou Court; Berkeley County)	
Department of Social Services; Berkeley)	
County Family Court System; Mary P. Brown,)	
Clerk of Court, Sandra Holland, Child)	
Support Coordinator; Judge Landis, Berkeley)	
County Family Court Judge,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff, Joseph Weathers, was a detainee at the Berkeley County Detention Center apparently serving a civil contempt sentence for failure to pay child support. He initiated this action pursuant to 42 U.S.C. § 1983 contending, among other things, that the family court made the wrong decision and failed to perform their duties.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this court should summarily dismiss the claims. The Magistrate Judge opines that under the *Rooker-Feldman* Doctrine, this court lacks

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

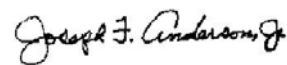
jurisdiction to consider the claims or to award the requested relief. *See Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *Exxon Mobile Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280 (2005). The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation which was entered on the docket on March 17, 2009. The plaintiff has not filed any objections to the Report, despite being granted an extension of time to do so. Additionally, the order granting such extension was returned to the Clerk of Court by the U.S. Postmaster marked “undeliverable” and “gone.”

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

April 27, 2009
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge